



JUN 19 2001

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In re Application of :
SIGURD WAGNER :
Application No.: 09/647,193 :
PCT No.: PCT/US99/06453 :
Int. Filing Date: 26 March 1999 : DECISION ON PETITION
Priority Date: 27 March 1998 :
Attorney Docket No.: 7616/16/1 : TO REVIVE UNDER 37 CFR 1.137(b)
For: METHOD FOR MAKING MULTILAYER :
THIN-FILM ELECTRONICS :
:

This is a decision on applicant's 'Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b)' originally filed in the United States Patent and Trademark Office on 01 December 2000, in effect, requesting that the Notification of Abandonment mailed 31 October 2000 be vacated. On 06 April 2001, applicants faxed a true copy of the petition and date-stamped itemized post card receipt indicating that the petition to revive was filed on 01 December 2000.

BACKGROUND

On 26 March 1999, applicant filed international application No. PCT/US99/06453 which claimed priority of an earlier U.S. application filed 27 March 1998. A copy of the international application had been communicated to the United States Patent and Trademark Office from the International Bureau on 07 October 1999.

On 20 October 1999, a Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 September 2000.

On 27 September 2000, applicant filed a transmittal letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, a small entity statement and copy of the International Search Report along with authorization to charge the basic national fee to applicant's deposit account. However, insufficient funds were available to charge the basic national fee and the application was considered abandoned.

On 31 October 2000, the United States Designated/Elected Office (DO/EO/US) mailed a

Notification of Abandonment (Form PCT/DO/EO/909) indicating that applicant failed to provide the full U.S. basic national fee by the thirty month deadline and the application was abandoned.

On 01 December 2000, applicant filed a petition to revive with the petition fee of \$605 for a small entity. Applicant, in effect, requests the withdrawal of the holding of abandonment. On 06 April 2001, applicant faxed a copy of the petition to revive along with a copy of the itemized post card receipt date-stamped by the USPTO 01 December 2000.

DISCUSSION

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of \$48 has been paid and that the required petition fee of \$605 has been charged to applicant's deposit account. The requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

CONCLUSION

The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing including issuance of the Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration and the surcharge for filing the oath or declaration after the thirty month period is required.



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